

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND
SHEILA KUEHL**

March 31, 2020

**Taking Urgent Public Health Action on COVID-19 to Protect Individuals and Staff
in Custodial Facilities**

New cases of COVID-19, the disease caused by the novel coronavirus, continue to emerge in high numbers across the state and throughout Los Angeles County (County), and containment is becoming increasingly difficult. Minimizing the number of new cases has quickly become the focus of the County's public health response to this unprecedented epidemic. To further this goal, particular attention should be given to vulnerable populations such as those with underlying health issues, the elderly and pregnant women. This is especially true where these already vulnerable individuals are at heightened risk by being justice-involved.

Recognizing this issue immediately, the Sheriff's Department and other law enforcement agencies have been working hard to reduce the number of individuals entering and remaining in the County jails. The courts have also partnered with the County's justice partners, including the Public Defender, Alternate Public Defender, and District Attorney to further explore avenues for reducing the number of individuals remaining in the jails. As a result of these actions, the population in the jail has been reduced by approximately 1,200 as of March 20, 2020. The Department of Health Services, through its Correctional Health Services (CHS) division, has implemented screening, testing, and hygiene protocols. Multiple departments have been working on plans for treatment and quarantine in the event COVID-19 cases are confirmed in the County's jails. The Inspector General has been monitoring these actions and advocating

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for best practices, and legal and advocacy organizations have been offering policy solutions, urging the County to do more. These are just some of the various actions being considered, or taken, by the County partners that are working around the clock on this issue.

The County's justice partners have demonstrated their awareness that the large volumes of people in close quarters makes the jails ripe for quick COVID-19 spread. Many people in these facilities are in the vulnerable or medically fragile population, and these individuals are thus at risk for complications from COVID-19. Further, the dangers from the spread of COVID-19 in the jails are not restricted just to those facilities. The high rate of daily turnover in the County's jail facilities means that those individuals will be released back into the community, potentially spreading COVID-19 to friends and family upon their return. If we can reduce the risk of disease spread within the jail system, then we are also reducing the risk of disease throughout the County. By acknowledging the heightened risk that is inherent to custodial facilities to create a potential public health crisis, the County can offer guidance, support and legal direction to the Sheriff, who is ultimately responsible for the administration of the County's jails.

In light of the ongoing public health emergency, and in the interest of safeguarding the health and safety of all people, including and especially those confined in our jails, an executive order issued on March 23, 2020. This order directed the following:

1. The Los Angeles County Health Officer, in collaboration with the Department of Health Services-Correctional Health, the Sheriff's Department, the Department of Mental Health, and the Office of Inspector General, conduct an immediate assessment of County's jails for the purpose of identifying all necessary and appropriate measures to prevent the spread of COVID-19 in the jails and protect individuals incarcerated, in the jails as well as County staff working in the jails, and make any orders necessary for that purpose;

2. The County Counsel, the Department of Health Services-Correctional Health, the Department of Mental Health, the Office of the Inspector General, and any other relevant entities, working with the Sheriff's Department, implement any recommendations or orders of the County Health Officer, including, if appropriate, actions

available to the Sheriff under California Government Code section 26602, and other applicable laws; and

3. The Chief Executive Officer, in coordination with relevant County departments, identify the resources necessary to ensure successful implementation of the recommendations or orders identified by the parties identified above.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS,

1. Ratify the attached Executive Order of the Chair of the County of Los Angeles Board of Supervisors Following Proclamation of Existence of a local Health Emergency Regarding Novel Coronavirus (COVID-19); and
2. Direct County Departments to implement all assessment, assistance and monitoring efforts as applicable.

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**EXECUTIVE ORDER OF THE CHAIR OF THE COUNTY OF LOS ANGELES BOARD OF SUPERVISORS
FOLLOWING PROCLAMATION OF EXISTENCE OF A LOCAL HEALTH EMERGENCY REGARDING NOVEL
CORONAVIRUS (COVID-19)**

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency within the State of California ("State") due to the threat posed by Novel Coronavirus ("COVID-19");

WHEREAS, on March 4, 2020, the Los Angeles County Health Officer issued a Declaration of Local Health Emergency due to the introduction of the COVID-19 cases to the County of Los Angeles ("County");

WHEREAS, on March 4, 2020, Los Angeles County Board of Supervisors ("Board") concurred and issued a Proclamation ("Proclamation") declaring a local emergency within the County of Los Angeles regarding the imminent spread of COVID- 19;

WHEREAS, California Government Code section 8550 et seq. and Los Angeles County Code ("Code") Section 2.68.150 empower the Chair of the Board of the County to promulgate orders and regulations for the protection of life and property where necessary to preserve the public order and safety;

WHEREAS, new cases of COVID-19, the disease caused by the novel coronavirus, continue to emerge in high numbers across the State of California and throughout the County, and containment is becoming increasingly difficult;

WHEREAS, to accomplish the critical public health goal of disease containment, particular attention must be given to vulnerable populations such as those with underlying health issues, the elderly and pregnant women, especially those who are at heightened risk because they are incarcerated in the County jails;

WHEREAS, the Los Angeles County Sheriff's Department, and other law enforcement agencies, recognized this early on and have been working diligently to reduce the number of individuals entering and remaining in the County jails;

WHEREAS, the courts and the County's justice partners, including the Public Defender, Alternate Public Defender, and District Attorney, are actively pursuing avenues to reduce the number of individuals in the jails, which has resulted in the reduction of the jail population by approximately 1,400 as of March 22, 2020;

WHEREAS, the Department of Health Services, through its Correctional Health Services (CHS) division, has implemented screening, testing, and hygiene protocols to control spread of the virus in custody and multiple departments have been working on plans for treatment and quarantine in the event COVID-19 cases are confirmed in the County's jails;

WHEREAS, the Inspector General has been monitoring these actions and advocating for best practices, and legal and advocacy organizations have been offering policy solutions, urging the County to do more;

WHEREAS, the diligent work of these, and other, justice partners is moving us in the right direction, it is incumbent on the Board to take all available action to protect the people of this County;

WHEREAS, large volumes of people in close quarters makes the jails ripe for quick COVID-19 spread, and many people in the jails are medically fragile or otherwise particularly vulnerable, and thus at risk for complications from COVID-19;

WHEREAS, the high rate of daily turnover in the County's jail facilities means that these individuals will be released back into the community, potentially spreading COVID-19 to friends, family and other community members upon their return, and thus the dangers from the spread of COVID-19 in the jails are not restricted just to those facilities;

WHEREAS, if we reduce the spread of disease within the jail system, then we are also reducing the risk of disease throughout the County and beyond;

WHEREAS, by acknowledging the heightened health risks inherent to custodial facilities that may exacerbate this public health crisis, the County can offer guidance, support, and legal direction to the Sheriff, who under state law is charged with keeping the County's jails and the persons incarcerated in them;

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise my authority to issue this regulation related to the protection of life and property;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED by the Chair of the Board of Supervisors of the County of Los Angeles, that an emergency continues to exist within the County threatening the lives, property and welfare of the County and its constituents.

IT IS HEREBY ORDERED THAT:

- I. The Los Angeles County Health Officer, in collaboration with the Department of Health Services-Correctional Health, the Sheriff's Department, the Department of Mental Health, and the Office of Inspector General, conduct an immediate assessment of Los Angeles County's ("County's") jails for the purpose of identifying all necessary and appropriate measures to prevent the spread of COVID-19 in the jails and protect individuals incarcerated, in the jails as well as County staff working in the jails, and make any orders necessary for that purpose;
- II. The County Counsel, the Department of Health Services-Correctional Health, the Department of Mental Health, the Office of the Inspector General, and any other relevant entities, working with the Sheriff's Department, implement any recommendations or orders of the County Health Officer, including, if appropriate, actions available to the Sheriff under California Government Code section 26602, and other applicable laws; and
- III. The Chief Executive Officer, in coordination with relevant County departments, identify the resources necessary to ensure successful implementation of the recommendations or orders identified by the parties identified above.

Dated: March 23, 2020


Kathryn Barger
Chair, Los Angeles County Board of Supervisors

